

REMARKS

In the application claims 1-25 and 27-39 remain pending, claim 26 having been canceled. Various of the claims have been amended and support for the amendments may be found in the specification and figures as originally filed. No new matter has been added. Presently, no claims have been indicated to be allowable. The reconsideration of the rejection of the claims is, however, respectfully requested.

At this time, the applicants would like to thank the Examiner for the courtesies extended in a phone interview conducted on September 3, 2004. In the phone interview, it was suggested by the Examiner that the claims should be amended to more distinctly distinguish between the resultant images and the compressed, resultant images. The claims have been amended in accordance with this suggestion and, as such, it is believed that the claims are now in condition for allowance.

In the Office Action of August 20, 2004, the specification was objected to for containing a reference to a Web page. The specification has been amended to remove this reference. Believing that the amendment cures the noted informality, it is respectfully requested that the objection to the specification be withdrawn.

The previously pending claims were generally rejected under 35 U.S.C. § 103 as being rendered obvious by combinations of Takagi (U.S. Patent No. 5,486,893), Lee (U.S. Patent No. 5,635,984), Takeda (U.S. Patent No. 5,343,560), Kagle (U.S. Patent No. 6,148,149), and Higgins (U.S. Patent No. 5,835,627). In response to this rejection, it is respectfully submitted that a determination that a claim lacks novelty requires that any combination of prior art references being relied upon include each and every element set forth in the claims, considering each and every word (i.e., it is impermissible to distill a claimed invention down to its "gist" or "thrust."). This requirement that the claimed invention be

considered “as a whole” is meant to prevent evaluation of an invention part by part, i.e., breaking an invention into its component parts and then merely finding a reference containing one part, another reference containing another part, etc., and to prevent the impermissible use of the specification of the applicant as a template to combine these parts for the purpose of deprecating the claimed invention. Thus, to assure that such “hindsight reasoning” is not used when assessing the patentability of a claimed invention, a rejection based upon a combination of references requires a demonstration that an artisan of ordinary skill in the art at the time of the invention, confronted with the same problems and with no knowledge of the claimed invention, would have selected the various parts from the references and combined them in the claimed manner. Furthermore, when performing this analysis, it is impermissible to pick and choose from a reference only so much as will support a given position while disregarding what the reference fairly teaches in its entirety.

As described in the specification of the subject application for patent, the claimed invention is directed to the problem of how to reduce the size of images, e.g., how to maximize the number of images that are capable of being stored in a memory of limited size. To this end, the independent claims set forth systems and methods that create for each of a plurality of original images a plurality of resultant images – the resultant images being created by altering the content of each of the plurality of original images a corresponding plurality of different ways. The plurality of resultant images for each original image are then compressed and from each of the plurality of compressed, resultant images is selected one compressed, resultant image. The selected, compressed, resultant images may then be placed into a concatenation file and a look-up table corresponding to the concatenation file may be created to thereby allow for the retrieval of each of the selected one of the plurality of compressed, resultant images. This is described in the subject application with reference to Figs. 1-3.

Turning now to the cited references, Takagi discloses a digital camera system where the system predicts what a resulting photograph image will look like depending upon which of various settings for the camera are selected. The predicted images are displayed to a user of the camera and the user can then determine which camera settings should be used when taking the actual photograph image. The digital camera system as disclosed by Takagi does not, however, provide any solutions to the problems associated with, for example, how to reduce image storage requirements. More importantly, Takagi does not disclose, teach, or suggest compressing each of a plurality of resultant images and does not disclose, teach or suggest selecting from the plurality of compressed, resultant images created for each original image one compressed, resultant image which may then be placed into a memory. In sum, all Takagi teaches with respect to “selecting” is using a plurality of displayed, predicted images to select a camera setting for taking a photograph.

Considering now Lee, Lee discloses a digital camera system that is adapted to allow for the viewing of more than one image on a display. To allow more than one image to be displayed, Lee describes using a compression method to read out the image data written in memory – the compression method skipping predetermined horizontal and vertical lines which are set according to the number of images to be displayed. Accordingly, while Lee addresses the problems of how to display multiple images, Lee fails to disclose, teach, or suggest a solution to the problem of how to reduce image storage requirements, e.g., how to maximize the number of images that are capable of being stored in a memory of limited size. In this regard, according to the plain teachings of Lee - when Lee is considered in its entirety, the image data is conventionally stored in memory and only “compressed” when it is read out for display. Thus, the plain teachings of Lee are in direct contrast to the claimed invention when the claimed invention is considered as a whole, i.e., Lee does not disclose, teach, or suggest compressing each of the plurality of resultant images and selecting from the plurality

of compressed, resultant images created for each original image one compressed, resultant image for the purpose of reducing image size.

With respect to Takeda, while Takeda may disclose a system for storing image data in compressed form, Takeda only describes compressing the original form of an image before it is stored in memory. Therefore, Takeda fails to disclose, teach, or suggest the claimed altering the content of each of a plurality of original images a corresponding plurality of different ways, compressing each of the plurality of resultant images, and selecting from the plurality of compressed, resultant images created from each of the plurality of original images one compressed, resultant image to thereby reduce image size.

In sum, none of the cited references, even when considered in combination, disclose, teach, or suggest each and every element of the claimed invention when the claims are considered as a whole. For at least this reason, it is respectfully submitted that the rejection of the claims must be withdrawn.

With respect to independent claims 25 and 27, it is submitted that the claims are not only allowable for the reasons set forth above but for the further reason that Kagle fails to disclose, teach, or suggest the elements of claims 25 and 27 noted to be missing from Tagaki, Lee, and Takeda. For example, claims 25 and 27 set forth that the concatenation file includes data indicative of the degree to which each of the compressed images was rotated (or if the compressed image was flipped) as compared to its original image so that the data may be used to restore the image to its original orientation when the image is decompressed and displayed. Rather than disclose, teach, or suggest these claim elements, Kagle describes a system in which a digital camera includes an orientation sensor and, when a picture is taken, the picture can be automatically rotated to correct for camera rotation prior to the picture image being stored in the camera or the picture image can be stored in the camera with an indication of the degree of camera rotation to thereby allow the picture image to be rotated to

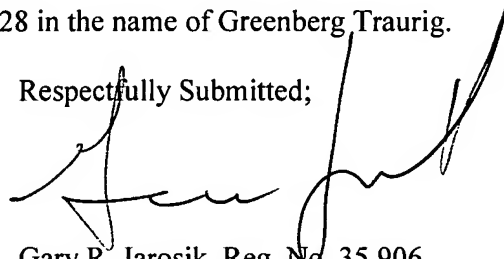
correct for camera rotation when the picture image is viewed on an external device. In either of these described cases, Kagle is not concerned with the purposeful rotation (or flipping) of an original image (for the purpose of effecting the compression ratio of the original image) which then requires the re-rotation (or re-flipping) of the image when it is decompressed so that the image can be displayed with the same orientation as the original image from which the representation was created. In the system described in Kagle, the degree of rotation of the camera is considered -as opposed to the degree of rotation purposefully provided to an original image - and the degree of rotation of the camera is not used to “rotate the displayed image so that the orientation of the displayed image *corresponds to the orientation of its corresponding original image*,” but is instead used to singularly change the orientation of the original image when it is displayed on a device external to the camera so as to give the image an orientation corresponding to the horizon. Thus, for the reason that Kagle fails to disclose those elements of the claims, considering each and every word, which have been acknowledged to be missing from the Takagi, Lee, or Takeda and for the reason that Kagle fails to address the problem the subject invention overcomes, it is submitted that the claims 25 and 27 must be deemed to contain patentable subject matter.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner is authorized to charge any fee deficiency to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

A handwritten signature in black ink, appearing to be "Gary R. Jarosik", written over a horizontal line.

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